

RECEIVED
CENTRAL FAX CENTER

DEC 02 2004

Certificate of Facsimile
I hereby certify that this correspondence is being transmitted via
Facsimile to (703) 740-7239 to the United States Patent and
Trademark Office, on DECEMBER 2, 2004
Date of Transmission

FRANK C. NICHOLAS (33983)
Name of applicant, assignee or Registered Representative

Frank C. Nicholas
Signature

DECEMBER 2, 2004
Date of Signature

PATENT
Case No.: AUS920000805US1
(9000/14)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|-----------------------|
| In re patent application of: |) | |
| |) | |
| FRANCK BARILLAUD, ET AL |) | Examiner: CHEA, P. J. |
| |) | |
| Serial No 09/738,371 |) | |
| |) | Group Art Unit: 2153 |
| Filing Date: DECEMBER 15, 2000 |) | |
| |) | |
| For: METHOD AND SYSTEM FOR |) | |
| OPTIMALLY ALLOCATING |) | |
| A NETWORK SERVICE |) | |

RESPONSE TO OFFICE ACTION DATED AUGUST 2, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

In response to a first Non-Final Office Action dated August 2, 2004, please
consider the following for the above-identified application:

December 2, 2004

Case No.: AUS920000805US1 (9000/14)

Serial No.: 09/738,371

Filed: December 15, 2000

Page 2 of 20

INTRODUCTORY COMMENTS

The present amendment replies to an Office Action dated August 2, 2004. Claims 1-21 are currently pending in the present application. Examiner Chea rejected claims 1-21.

In the Office Action, Examiner Chea asserted the following actions to pending claims 1-21 and the specification:

- A. The drawing were objected to for failing to comply with 37 CFR 1.84(p)(5)
- B. The abstract was objected to because a phrase is used that can be implied
- C. The specification was objected to for informalities
- D. Claims 9-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention
- E. Claims 1-13, 15-19 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Liron (U.S. Patent No. 5,598,532)
- F. Claims 14 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liron in view of Johnson (U.S. Patent No. 6,078,946)

The Applicants respectfully request reconsideration and further examination of the present application under 37 CFR § 1.112.

December 2, 2004
Case No.: AUS920000805US1 (9000/14)
Serial No.: 09/738,371
Filed: December 15, 2000
Page 3 of 20

DRAWING AMENDMENT:

Please replace the originally filed FIG. 2A with a replacement sheet for FIG. 2A.
No new matter has been added with the corrected drawing sheet.

December 2, 2004
Case No.: AUS920000805US1 (9000/14)
Serial No.: 09/738,371
Filed: December 15, 2000
Page 4 of 20

ABSTRACT AMENDMENT:

Please replace the Abstract of the Disclosure with the rewritten Abstract of the Disclosure attached on a separate sheet.